

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

UNITED STATES OF AMERICA,

Plaintiff

v.

ALPHONSO BODIE,

Defendant

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**Case 3:12-0716
Magistrate Judge Brown**

INITIAL CASE MANAGEMENT ORDER

Pursuant to Local Rule 16.01(d)(2), the following Initial Case Management Plan is **adopted**.

1. Jurisdiction:

This court has jurisdiction under 28 U.S.C.A. 1345 (West 2013).

2. Plaintiff's theory of the case:

The United States sues to collect an unpaid promissory note of which the Defendant was the maker. The note is related to a student loan.

3. Defendant's theory of the case:

There has been an accord and satisfaction of the payment obligations of the promissory note and loan. Defendant or others have paid the debt evidenced by the note. Alternatively, Defendant disputes whether the amount sued-for in the Complaint is the true amount due and owing by Defendant.

4. Identification of the issues:

Whether Alphonso Bodie owes the United States on the promissory note sued upon, and, if so, how much, if anything?

5. **Need for other claims or special issues under Rules 13-15, 17-21, and Rule 23 of the Federal Rules of Civil Procedure:**

The Defendant may seek to join the Defendant's daughter, Alicia R. Bodie-Henry as a party.

6. **Witnesses, if known, subject to supplementation by each party.**

Business records keeper/Loan Analyst for U.S. Department of Education; Defendant Bodie; Alicia R. Bodie-Henry.

7. **Initial Disclosures and Staging of Discovery:**

The parties waive Rule 26(a). Within twenty-one days from this order, the parties will initially exchange as informal discovery the materials and types of materials covered in Rule 26(a). Thereafter, the parties will begin formal discovery as needed to supplement initial disclosures. All formal discovery shall be timely undertaken and completed/answered by both sides by July 1, 2013.

Prior to filing any discovery-related motion the parties will schedule and conduct a telephone conference with the Magistrate Judge. The counsel requesting the conference shall check with opposing counsel as to their availability before setting a time certain with the Court.

8. **Dispositive Motions:**

Parties shall file dispositive motions, if any, on, by or before **July 31, 2013**. Responses to dispositive motions shall be filed within **28 days** after service. Briefs shall not exceed **25 pages** without leave of Court. Optional replies, limited to **five pages**, shall be filed within **14 days** after service of the response. If dispositive motions are filed early, the response and reply dates are moved up accordingly.

9. **Other Deadlines:**

None at this time.

10. **Subsequent Case Management Conferences:**

There shall be a subsequent case management conference. The date for this conference will be set by the Court upon a motion (which may be a joint motion) of either party or both parties. The parties shall file their motion(s) approximately **60 days** before the close of discovery. The subsequent case management conference will be conducted in **Court**.

11. **Alternative Dispute Resolution:**

The parties do not anticipate using alternative dispute resolution.

12. **Consent to Trial before the Magistrate Judge:** Parties consent to trial before the Magistrate Judge.

13. **Target Trial Date:**

The case will be a bench trial and should not be more than one day. If either party files a dispositive motion on or by July 31, 2013, and that motion does not dispose of the case, then the parties request a trial date as soon as practicable after the Court rules on the dispositive motion. If neither party files a dispositive motion on or by July 31, 2013, then the parties request a trial date as soon after July 31, 2013 as practicable.

It is so **ORDERED**.

/s/ Joe B. Brown
JOE B. BROWN
United States Magistrate Judge